

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA	:
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-v-	:
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PARKER H. PETIT and WILLIAM TAYLOR,	:
	:
	:
Defendants.	:
-----X	

19-cr-850 (JSR)

ORDER

JED S. RAKOFF, U.S.D.J.

On October 9, 2020 defendants Parker H. Petit and William Taylor filed a joint motion to indefinitely adjourn the trial in this case. Dkt. No. 74. But, doubtlessly recognizing the weakness of that motion, the defendants alternatively requested that the Court adopt certain measures to "ease some of the logistical challenges facing them in this trial." See Memorandum of Law in Support of Parker H. Petit's and William Taylor's Motion for an Adjournment ("Def. Mem."), Dkt. No. 75, at 15.¹ In a Memorandum Order issued earlier today denying the motion to adjourn the trial, the Court stated that it would address these additional requests in a separate Order. This is that Order.

The defense asks the Court to adopt the following eight measures:

¹ While the Government opposed the motion to adjourn the trial, it took no position on these requests. See Letter from the Government to the Court dated October 15, 2020, Dkt. No. 86, at 6.

1. Permit the parties to pivot the podium during jury addresses in order to face the jury head on;
2. Permit counsel to conduct jury addresses away from the podium, so long as they wear a mask and remain at least six feet apart from others in the courtroom;
3. Permit defense counsel and Mr. Petit and Mr. Taylor to sit next to each other at counsel's table, behind counsel's table in the well of the courtroom, and in the gallery without maintaining social distancing, in recognition of the fact that they will be forming a "pod" throughout the course of the trial and that each member of the defense team will be tested weekly for COVID-19;
4. Permit defense counsel to use a private, secure Wi-Fi network in the courtroom instead of the public, non-secure Wi-Fi available through the District Executive;
5. Require jurors to wear clear facemasks;
6. Reserve seats in the courtroom for defense counsel and members of Mr. Petit's and Mr. Taylor's families;
7. If Courtroom 14B is designated as the overflow courtroom, permit members of the defense team to sit in the jury box and at counsel's table; and

8. Permit the defense team to use the jury room in the overflow courtroom as a conference room during trial and to bring in temporary printers and copiers.

This judge is not necessarily opposed to many of these requests and will endeavor to accommodate them where possible. However, most of them violate the Southern District of New York's social distancing protocols promulgated by the Court as a whole, after careful study of what was best required to assure juror health. Accordingly, for now, the Court denies requests (1) - (6) and (8) without prejudice to reconsideration as the trial progresses. The one request that is not violative of the aforementioned protocols, request (7), is hereby granted.

SO ORDERED

Dated: New York, NY
October 21, 2020


JED S. RAKOFF, U.S.D.J.